

Viet Nam's comments on Draft guidelines on prevention and mitigation of international investment disputes

Viet Nam highly appreciates the draft Guidelines prepared by the Secretariat, which includes various possible measures for dispute prevention and mitigation. From its practice on dispute prevention and mitigation, Viet Nam would like to have the following comments:

1. In general, dispute prevention should be conducted on a basic system, which includes a long-term strategy policy to address various issues of foreign investment management, not only when there is a grievance of a foreign investor.

Therefore, the guidelines should also address those measures such as: improving legal system to be in light with State's commitments in IIAs; enhancing the capacity of officials involving in foreign investment management to ensure compliance with State's commitments in IIAs; developing a foreign investor screening mechanism...

2. Regarding measures provided in Part D, Viet Nam is in the view that dispute prevention and mitigation is very country-specific, therefore, it would be better to establish a forum for States to exchange information and best practices on the issue (can be operated under the Advisory Center) rather than a committee or commission.

3. Viet Nam welcomes the measures proposed in Part E, such as special arrangements for funding and human resources or the exoneration of liability of government officials who are in charge of handling the ISDS cases. Viet Nam would be highly appreciated if the Secretariat could provide specific examples of countries that have enforced the measures mentioned in Part E.